

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MAINE**

**GWENDOLYN J. CLARK, a resident
of Ellsworth, County of Hancock, State
of Maine,**

PLAINTIFF

v.

**ELLSWORTH SCHOOL BOARD,
a governmental department of the City
of Ellsworth, Hancock County, State
of Maine,**

AND

**ABIGAIL T. MILLER, a resident of
Ellsworth, County of Hancock, State of
Maine,**

DEFENDANTS

VERIFIED COMPLAINT

DECLARATORY AND INJUNCTIVE RELIEF REQUESTED

Plaintiff Gwendolyn J. Clark, through her attorney, Brett D. Baber, Esq. of Lanham Blackwell & Baber, submits the following complaint and request for declaratory relief against Defendants Ellsworth School Board, an agency of the City of Ellsworth, and Abigail T. Miller.

JURISDICTIONAL ALLEGATIONS

1. Plaintiff Gwendolyn J. Clark is a resident of Ellsworth, County of Hancock, State of Maine.
2. Defendant Ellsworth School Board is a governmental department of the City of Ellsworth, Maine.

3. Defendant Abigail T. Miller is a member of the Ellsworth School Board who resides in Ellsworth, Maine.

4. This case raises questions regarding the alleged violation of the Plaintiff's rights to freedom of speech pursuant to the First Amendment of the United States Constitution and is brought pursuant to 42 U.S.C. §§1983 and 1985.

5. The court has federal question jurisdiction over this case in controversy pursuant to 28 U.S.C. §1331.

CAUSE OF ACTION: VIOLATION OF PLAINTIFF'S FIRST AMENDMENT RIGHTS

6. Plaintiff Gwendolyn J. Clark incorporates her allegations in paragraphs 1 through 5 by reference.

7. In July, 2021, Plaintiff Clark appeared before the Ellsworth School Board and asked three questions regarding the masking of children in schools and whether or not the Ellsworth School Board had authorized the teaching of Critical Race Theory in the Ellsworth School System.

8. In response to Plaintiff Clark's questions, various school board members responded to the questions.

9. Following the July meeting, Plaintiff conducted some background inquiry into the answers that were given by the school board.

10. During her investigation, Plaintiff learned that the members of the school board may have held one or more informal meetings among the members in violation of the Maine Freedom of Access Act.

11. During the public comment session at the beginning of the August 12, 2021 school board meeting, Plaintiff challenged the veracity of the school board's previous answers

regarding the institution of Critical Race Theory within the Ellsworth School system and questioned whether or not the school board had been conducting illegal meetings.

12. Before Plaintiff Clark could finish her remarks, school board Member Abigail T. Miller cut off the Plaintiff from making further remarks, insisting that she could no longer speak to the school board.

13. Plaintiff dutifully complied after she attempted to challenge Defendant Miller's ability to prohibit her from speaking further.

14. Later in the meeting Plaintiff raised her hand in an attempt to ask another question of the school board.

15. In response, the chairperson of the school board summonsed the Ellsworth Police Department to escort the Plaintiff out of the school board meeting.

16. Rather than causing any disruption to the meeting, Plaintiff voluntarily exited the building under the supervision and guidance of the members of the Ellsworth Police Department.

17. Upon information and belief, Defendant Ellsworth School Board had requested an increased police presence at the school board meeting due to the Plaintiff's previous line of questioning and in light of the subject matters that it envisioned were going to be discussed at the school board meeting.

18. The conduct of Defendant Ellsworth School Board and Defendant Abigail T. Miller deprived the Plaintiff of her First Amendment rights as guaranteed by the United States Constitution, as well as her right to petition for redress as guaranteed by the First Amendment of the United States Constitution.

19. The efforts of Defendant Ellsworth School Board to have a greater police presence based upon the likely subject matters of discussion at the school board meetings presents a chilling effect on the exercise of the Plaintiff's First Amendment rights as well as other members of the public who desire to speak before the school board.

WHEREFORE, Plaintiff Gwendolyn J. Clark requests the court to enter a judgment in her favor that:

(1) Declares that the conduct of Defendant Ellsworth School Board and Defendant Abigail T. Miller violated the Plaintiff's first amendment rights;

(2) Issues an injunction against further violations of Gwendolyn J. Clark's first amendment rights against Defendant Ellsworth School Board;

(3) Awards the Plaintiff Gwendolyn J. Clark compensatory damages or nominal damages commensurate with the violation of her constitutional rights; and

(4) Awards Plaintiff Gwendolyn J. Clark her attorney's fees pursuant to 42

U.S.C. §1985.

Dated: 8-27-2021

/s/ Brett D Baber

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Signed under penalties of perjury this 25 day of August, 2021

/s/ Gwendolyn J. Clark

Gwendolyn J. Clark